

GAHC010238942024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./1376/2024

ATUL BARMAN
S/O LATE PABAN BARMAN
R/O SINGIMARI CHOWK,
P.O. ROUMARI
P.S. HAJO
DIST. KAMRUP, ASSAM
PIN-781104

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:TIKENDRA NATH DAS
S/O LATE DAYAL CH. DAS
R/O WARD NO. 4
SARBHOG TOWN

P.O. AND P.S. SARBHOG

DIST. BARPETA
ASSAM
PIN-78131

Advocate for the Petitioner : MS. T SOM, MR H DAS,MS. U HAZARIKA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 14.11.2024

Heard Ms. T. Som, learned counsel appearing of the petitioner as well as Mr. K. Baishya, learned Additional Public Prosecutor for the respondent No. 1.

2. This is an application u/s 528 of the BNSS, 2023 challenging the order dated 19.10.2024 passed by the Judicial Magistrate 1st Class, Barpeta in N.I. Case No. 114/2024.

3. The petitioner is an accused in the aforesaid case and he was regularly participating in the trial. On 19.10.2024, the petitioner could not appear before the court because of his personal difficulties and therefore, the trial court directed to issue non-bailable warrant of arrest against him.

4. I have considered the submission made by the learned counsels of both sides.

5. The petitioner is interested in facing the trial. Therefore, he deserves to be given an opportunity to that effect. For that matter, the impugned order dated 19.10.2024 passed by the Judicial Magistrate 1st Class, Barpeta in N.I. Case No. 114/2024 stands set aside.

6. The petitioner is directed to appear before the trial court on 19.11.2024. He shall be allowed to remain on previous bail.

7. It is hereby directed that the petitioner shall regularly appear before the learned trial court on each and every date of hearing of the case. If he fails to appear before the learned trial court on each and every date of hearing, the trial court shall do the needful.

With the aforesaid directions, the criminal petition stands disposed of.

JUDGE

Comparing Assistant